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March 13, 1996

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**HAND-DELIVERED**

Mr. William F. Caton  
Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W., Room 222  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

Re: Ex Parte Presentation in PR Docket No. 89-552;  
GN Docket No. 93-252/PP Docket No. 93-253

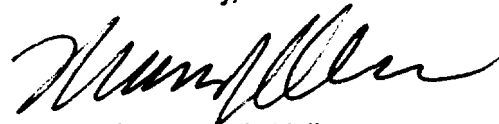
Dear Mr. Caton:

Pursuant to Section 1.1206(a)(2) of the Commission's Rules, this is to notify you that the undersigned and Mr. David Thompson, President and Chief Executive Officer of SEA Inc., met on Tuesday, March 12, 1996, with members of the Wireless Telecommunications Bureau (Mr. Ralph Haller, Deputy Chief; Ms. Ros Allen, Assistant to Bureau Chief; Mr. Robert McNamara, Chief, Private Radio Division; Mr. Marty Liebman, Staff Attorney; and Ms. D'wana Speight, Legal Advisor to Bureau Chief). The purpose of the meeting was to discuss the issues raised in the Third Notice of Proposed Rule Making in the above-referenced proceeding. SEA reiterated the points raised in its Comments and Reply Comments. The enclosed document was distributed and discussed at the meeting.

Pursuant to Section 1.1206(a), two copies of this notice are being filed for placement in the docket of this proceeding.

Should any questions arise concerning this notice, please contact the undersigned.

Sincerely,



Thomas J. Keller  
Counsel for SEA Inc.

Enclosure

cc (w/o att.): Ralph Haller  
Ros Allen, Esq.  
Robert McNamara, Esq.  
Marty Liebman, Esq.  
D'wana Speight, Esq.

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THE COMMISSION'S PROPOSAL TO ALLOW AGGREGATION OF  
CHANNELS IN THE 220-222 MHZ BAND IS AN UNSUPPORTED  
AND UNJUSTIFIED ABANDONMENT OF ITS PROMISE TO  
DEVELOP NARROWBAND TECHNOLOGY IN THAT BAND

Since 1983, the Commission has assured the public and the courts that this band will be used for narrowband technologies:

- 1983 Report on "Future Private Land Mobile Telecommunications Requirements" recommended 5 kHz channeling for this band.
- 1987 NPRM: Reallocation of this band will "provide an opportunity for the further development of narrowband technologies."
- 1988 Allocation Order: "The public interest will be served by providing dedicated spectrum for the development of narrowband spectrum efficient technologies," which "must be afforded a reasonable opportunity to gain full acceptance in the marketplace."
- 1989 Reconsideration of Allocation Order: Reallocation of 220-222 MHz band is necessary to encourage development of narrowband technologies because other land mobile bands "would not allow narrowband technologies to develop fully due to current use and channeling plans."
- 1989 NPRM: Reallocation of the 220-222 MHz band was done "with the intention of affording spectrally efficient narrowband technology an opportunity to develop and gain acceptance in the marketplace."
- In 1990, in its brief in ARRL v. FCC, the Commission told the Court of Appeals that it had reallocated the 220-222 MHz band from amateur use to land mobile use for the specific purpose of encouraging the development of "narrowband" land mobile radio technology.
- 1991 Report and Order adopting channel plan and service rules: The purpose of the reallocation was "to encourage the development of narrowband technology in underused spectrum;" also, requiring each channel to be operated as an "individual 5 kHz channel" was justified as being "consistent with the reasoning for making this allocation available."
- In 1993, in its brief in Evans v. FCC, the Commission told the Court of Appeals that spectrum in the 220-222 MHz band had been reallocated "for the exclusive use of narrowband operations," and to promote "the development of narrowband technology..."

In summary, at every step in the progress toward licensing and implementation of this new service, the Commission assured that this band will be used to further the development of narrowband technologies.

In light of this long history and record, the Commission was simply incorrect and unfaithful to its prior commitments when it concluded that the restriction against channel aggregation could be abandoned without violating the Commission's original goal and intent.